

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LINDA BENAVIDEZ,

Plaintiff,

vs.

No. CIV 15-0922 JB/LF

SANDIA NATIONAL LABORATORIES,  
VARICK TUCKER, Personally, and  
TIMOTHY GARDNER, Personally,

Defendants.

**ORDER**<sup>1</sup>

**THIS MATTER** comes before the Court on the Plaintiff's Motion to Withdraw Prior Motion to Amend and Substituted Motion to Amend Complaint, filed August 31, 2016 (Doc. 71)("Motion to Withdraw and Amend"). The Court held a hearing on September 29, 2016. For the reasons stated on the record at the hearing, the Court will grant the Motion to Withdraw and Amend, in part. The Court will grant the part of the Motion to Withdraw and Amend by which Plaintiff Linda Benavidez seeks to withdraw her prior Motion for Leave to Amend Complaint, filed February 10, 2016 (Doc. 30). The Court will take the other part of the Motion to Withdraw and Amend, by which Benavidez seeks leave to file a substituted, third amended complaint, under advisement.

**IT IS ORDERED** that the Plaintiff's Motion to Withdraw Prior Motion to Amend and Substituted Motion to Amend Complaint, filed August 31, 2016 (Doc. 71), is granted in part.

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<sup>1</sup>This Order disposes of, in part, Plaintiff's Motion to Withdraw Prior Motion to Amend and Substituted Motion to Amend Complaint, filed August 31, 2016 (Doc. 71), by granting the withdrawal of Plaintiff's Motion for Leave to Amend Complaint, filed February 2, 2016 (Doc. 30). The Court will, however, at a later date issue a Memorandum Opinion more fully detailing its rationale for this decision.

Plaintiff Linda Benavidez is allowed to withdraw Plaintiff's Motion for Leave to Amend Complaint, filed February 2, 2016 (Doc. 30), and the operative document before the Court becomes the Substituted Motion to Amend Complaint (Doc. 71).



UNITED STATES DISTRICT JUDGE

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